

DIVISION CIRCULAR 11
(N/A)

DEPARTMENT OF HUMAN SERVICES
DIVISION OF DEVELOPMENTAL DISABILITIES

EFFECTIVE DATE: April 9, 1999

DATE ISSUED: April 1, 1999

(Rescinds Division Circular #11, "Records Retention and Destruction", issued April 28, 1994)

I. TITLE: RECORDS RETENTION AND DESTRUCTION

II. PURPOSE: To establish procedures for the retention and destruction of records.

III. SCOPE: This circular applies to components of the Division and agencies under contract with or regulated by the Division.

IV. POLICIES:

All Division components shall retain records in compliance with the General Record Retention Schedule for State agencies and/or record retention schedules approved by the Division of Archives and Records Management (DARM).

Each unit of the Division shall have on file a specific recordkeeping schedule, if applicable, as approved by the DARM.

Strict confidentiality shall be maintained in accordance with N.J.A.C. 10:41-2 (Division Circular 30).

The client record shall be the property of the Division. All requests for release of the client record shall be made to the appropriate Division component.

When a person leaves a provider agency, all client records shall be returned to the Division. A provider agency may keep a discharge summary with an outline of the time the person was with the agency and general services provided.

Provider agencies may keep daily logs on activities to record significant events. These logs shall be used to prepare the monthly progress note on the individual that becomes part of the client record. The log shall be considered an agency record as defined in Division Circular 30 and shall not become part of the client record.

The destruction of Division records is governed by the Destruction of Public Records Act (N.J.S.A. 47-3-15 et seq.) Permission must be obtained from DARM in order to destroy records listed on the Records Retention Schedule.

The Administrator, Management Services within the Central Office of the Division shall be the liaison with the DARM. All questions should be referred to the Administrator, Management Services.

No state official shall be held liable for damages for loss, or in any matter, civil or criminal (N.J.S.A. 47-3-22) if records have been destroyed in accordance with the records retention schedule with proper authorization.

All records other than the client record of an agency under contract with or regulated by the Division shall be maintained according to the Department of Human Services Contract Policy and Information Manual.

V. GENERAL STANDARDS

- A. Definitions – For the purpose of this circular, the following terms shall have the meaning defined herein.

“General Records Retention Schedule for State Agencies” means a schedule approved by the State Records Committee for retention and destruction of common records maintained by various State agencies.

“Specific Records Retention Schedule” means a schedule for retention and destruction of specific records not included in the General Records Retention Schedule.

- B. All client records shall be maintained for at least 10 years after the death or most recent discharge of the person. In the case of a discharged minor, such records shall be kept for 10 years following the last date of discharge or until the minor reaches the age of 23 years, whichever is the longer period of time.

In the case of a deceased minor, the record shall be kept for 10 years following the date of death.

- C. In instances of actual or anticipated litigation, claim negotiation, or audit initiated during the retention period, the records shall be retained until the completion of the action even though the retention period has been exceeded.

VI. PROCEDURES

A. Records Retention Schedules

1. A copy of the General Records Retention Schedule for State Agencies may be obtained from the Administrator, Management Services.
2. Requests for a specific Records Retention Schedule shall be submitted to the Administrator, Management Systems who shall forward the request to the DARM.
3. Electronic records shall be retained in accordance with this circular.
4. Microfilm may be used as a substitute for official paper records and shall be retained in accordance with this circular.
5. Any deletions or additions to the record retention schedule shall be made by the DARM.

- B. Educational Records - If educational records are provided to a Division component, as an informational copy, those educational records shall become part of the Division's client records and shall be released in accordance with this circular.

C. Destruction of Records

1. In order to destroy records, the component shall submit to DARM a "Request and Authorization of Records Disposal" form.
2. Paper records may be destroyed by shredding. Electronic, audio and visual tapes shall be destroyed by being erased.
3. Microfilm may be destroyed by shredding.

D. Records Storage

1. Records may be stored as arranged by the Administrator, Management Systems.
2. A Records Transfer Request Form shall be completed by the Division component.

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